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Attorney for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARION E. COIT on her behalf and on	)	CASE NO. C-08-02585 JCS
behalf of others similarly situated	)	
	)	JOINT MOTION EXTENDING
Plaintiffs,	)	TIME FOR CERTAIN
	)	DEFENDANTS TO RESPOND TO
vs.	)	PLAINTIFFS' COMPLAINT
	)	
FIDELITY ASSURANCE ASSOCIATES	)	
LLC; FIDELITY OF GEORGETOWN,	)	
INC.; FINANCIAL SERVICES	)	
CONSULTANTS, INC.; MILLS,	)	
POTOCZAK & COMPANY; DULUDE &	)	
CARMOUCHE, INC.; RICHARD H.	)	
GUILFORD; BRAD C. THOMPSON;	)	
BRENDA TLUCZEK; WILLIAM J.	)	
CARMOUCHE; ESTUKO DULUDE; F.	)	
NEIL THOMPSON; ANTHONY FEUER	)	
and DOES 1 to 500, inclusive	)	
	)	
Defendants.	)	
	)	

1           **COMES NOW** Defendants Fidelity Assurance Associates, Inc., Fidelity of  
2           Georgetown, Inc., Financial Services Consultants, Inc., Mills, Potoczak & Company,  
3           Richard H. Guilford, Brad C. Thompson, and F. Neil Thompson (“Defendants”) and  
4           Plaintiff Marion E. Coit, individually and in her capacity as class representative for  
5           the proposed class of plaintiffs (“Plaintiffs”), by and through undersigned counsel,  
6           hereby jointly move this Court, pursuant to Rule 6(b) of the Federal Rules of Civil  
7           Procedure, to enter an Order providing that Defendants shall have through June 23,  
8           2008 to respond to Plaintiffs’ Complaint.

9           In support of this Consent Motion, Defendants and Plaintiff show this Court as  
10          follows:

- 11           1.     This is the first requested extension of time to respond to Plaintiffs’  
12           Complaint.
- 13           2.     The requested extension is for a reasonable time.
- 14           3.     Good cause exists for the extension in that prior to removal of this case  
15           from state court, in an effort to minimize delay in this matter Defendants agreed to  
16           accept service of process of the Complaint. In exchange therefore, the parties agreed  
17           that Defendants’ response to the Complaint would be due on or before June 23, 2008.

18           Neither party waives any right by the filing of this motion.

19           **WHEREFORE**, the parties respectfully request that this Court enter an Order  
20           providing that Defendants shall have through June 23, 2008 to respond to Plaintiffs’  
21           Complaint. A proposed Order is attached hereto as Exhibit A for the Court’s  
22           consideration.

Respectfully submitted this 2nd day of June, 2008.

s/ Morgan C. Smith

Morgan C. Smith (SB # 168146)  
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*Attorney for Plaintiff*

s/ Michael A. Hession

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*Attorney for Defendants*

Coit v. Fidelity Assurance, et al.

**CERTIFICATE OF SERVICE**

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to, nor interested in, the above-entitled action. I am an employee of Locke Lord Bissell & Liddell LLP, A Professional Corporation, and my business address is The Proscenium, Suite 1900, 1170 Peachtree Street, N.E., Atlanta, GA 30309.

On June 22, 2008, I served the following Joint Motion Extending Time for Certain Defendants to Respond to Plaintiffs' Complaint on all interested parties in the above cause, by:

XX **REGULAR MAIL** by placing a true and correct copy thereof enclosed in a sealed overnight service envelope with postage thereon fully prepaid. Said envelope was thereafter deposited in the United States Mail at Atlanta, Georgia in accordance with this firm's business practice of collection and processing correspondence for mailing of which I am readily familiar. All correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

           **OVERNIGHT MAIL** by placing a true and correct copy thereof enclosed in a sealed overnight service envelope with postage thereon fully prepaid. Said envelope was thereafter deposited in the United States Mail at Atlanta, Georgia in accordance with this firm's business practice of collection and processing correspondence for mailing of which I am readily familiar. All correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

           **HAND DELIVERY** by placing a true and correct copy thereof enclosed in a sealed envelope with the name and address of the party to receive the document. Such document was then given to the service or individual signing the bottom of this Proof of Service showing delivery made.

           **FACSIMILE** by placing a true and correct copy thereof with a facsimile cover sheet showing service upon the following individuals.

The envelopes were addressed as follows:

Robert S. Arns  
Morgan C. Smith  
Jonathan E. Davis  
The Arns Law Firm  
515 Folsom Street, 3rd Floor  
San Francisco, CA 94105

Kathryn A. Stebner  
Stebner and Associates  
870 Market Street, Suite 1212  
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on June 2, 2008, at Atlanta, Georgia.

s/Michael A. Hession  
Michael A. Hession

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARION E. COIT on her behalf and on	)	CASE NO. C-08-02585 JCS
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CARMOUCHE; ESTUKO DULUDE; F.	)	
NEIL THOMPSON; ANTHONY FEUER	)	
and DOES 1 to 500, inclusive	)	
	)	
Defendants.	)	

WHEREAS Defendants Fidelity Assurance Associates, Inc., Fidelity of Georgetown, Inc., Financial Services Consultants, Inc., Mills, Potoczak & Company, Richard H. Guilford, Brad C. Thompson, and F. Neil Thompson (“Defendants”) and Plaintiff Marion E. Coit, individually and in her capacity as class representative for the putative class of plaintiffs (“Plaintiffs”), have consented that Defendants shall have through June 23, 2008 to respond to Plaintiffs’ Complaint and have moved this Court to issue an order allowing the same,

1 IT IS HEREBY ORDERED that Defendants shall have through June 23, 2008  
2 to respond to Plaintiffs' Complaint.  
3

4 This \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
5  
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7 \_\_\_\_\_  
8 The Honorable Joseph C. Spero  
9 United States District Judge  
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